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REMARKS

Claims 1-2, 4-11, 13-20 and 22-27 are currently pending in the subject application and are presently under consideration. Claims 1-2, 4-5, 7, 9-11, 13-14, 16, 18-19 and 24-25 have been amended to further emphasize novel aspects of applicants' claimed invention, and claims 6, 15 and 22 have been cancelled herein as shown on pp. 2-6 of the Reply. Applicants' representative submits that as the limitations of already searched dependent claims 6, 15 and 22 have been incorporated into independent claims 1, 10 and 19, the amendments made herein do not necessitate a new search or require undue effort by the Examiner. The other claim amendments simply correct minor informalities. Favorable reconsideration of the subject patent application and entry of the amendments is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-2, 4, 6, 8-11, 13, 15, 17-20, and 22-23 Under 35 U.S.C. §102(b)

Claims 1-2, 4, 6, 8-11, 13, 15, 17-20 and 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yajima (US 5,809,176). This rejection should be withdrawn for at least the following reasons. Claims 6, 15, and 22 have been cancelled herein and Yajima does not disclose or suggest each and every limitation set forth in the remaining claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. Trintec Industries, Inc. v. Top-U.S.A. Corp., 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); See Verdegaa Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to a method and apparatus for reducing the time required to process and store an image on a storage medium in a digital imaging device. In particular, independent claims 1, 10 and 19, as amended, recite similar limitation(s), namely: storing each of a plurality of processed image segments on a

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persistent storage medium, and as the processed image segments are stored on the storage medium *stitching together the image segments within the persistent storage medium to reconstruct the captured digital image*. Yajima does not disclose or suggest this novel aspect of the invention as claimed.

Yajima relates to image data encoding and decoding devices and processes that employ fast, efficient arithmetic coding techniques. The Final Office Action contends that Yajima, at col. 21, lines 44-49, discloses stitching the processed image segments once they are stored on the storage device. Applicants' representative avers to the contrary. The noted passage specifically states: "... the coded data streams 200-1, 200-2, ..., 200-4, created with the arithmetic encoder, are combined into an integrated coded data stream and are then either stored in a memory means or transferred through a transfer medium." It is apparent therefore that in Yajima, the separate data streams are combined prior to storage on a persistent storage medium.

In applicants' claimed invention, the plurality of processed image segments are directed onto the persistent storage medium whereupon as the processed image segments are respectively stored on the persistent storage medium, such processed image segments are stitched together within the storage medium to reconstruct the image, *i.e.*, the processed image segments are stitched together subsequent to storage on the storage medium. Applicants' claimed invention facilitates mitigating latency associated with image preprocessing and waiting to write image data to a persistent storage medium – the invention allows for concurrently processing of image segments, writing processed image segments to the persistent storage medium and stitching such segments together within the storage medium upon respectively being stored as compared to waiting until an image is completely preprocessed before saving to a storage medium.

Yajima teaches exactly the problem that applicants' invention strives to mitigate. The cited reference teaches completing all processing and reconstitution of the image prior to the storage of the processed and reconstituted image on the storage medium. (*See* col. 21, line 44-49). Any storage of segments and stitching thereof is done to temporary memory (cache) not persistent memory. Thus, the issue of waiting for an entire image to be preprocessed prior to writing to persistent memory remains unresolved with the system of Yajima.

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In view of the foregoing, it is readily apparent that Yajima perpetuates the problem applicants' invention seeks to cure, and does not anticipate or make obvious applicants' invention as recited in the subject invention. This rejection should be withdrawn.

II. Rejection of Claims 1, 10, and 19 Under 35 U.S.C. §103(a)

Claims 1, 10, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lathrop (US 6,288,743) in view of Yajima. Withdrawal of this rejection is respectfully requested for at least the following reasons. Lathrop and Yajima, either alone or in combination, do not teach or suggest all limitations set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

As noted *supra*, independent claims 1, 10 and 19, as amended, recite similar feature(s), relating to storing each of a plurality of processed image segments on a *persistent storage medium*, and as the processed image segments are stored on the storage medium *stitching together the image segments within the persistent storage medium to reconstruct the captured digital image*. Yajima does not disclose or suggest such novel aspects of the invention and in fact the cited document teaches away from the claimed invention. Lathrop fails to cure the deficiencies of Yajima.

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Lathrop relates to digital photography systems that interface with a host computer. While applicants' representative agrees that Lathrop utilizes a storage medium to store processed image segments, the cited document however, is notably silent regarding: upon completion of storing of each of the plurality of processed images on the storage medium, and stitching each of the plurality of processed images together to restore the image. Thus, Lathrop does not teach or suggest this aspect of applicants' claimed invention.

Further, as discussed *supra*, Yajima also does not teach or suggest the stitching of the plurality of processed images together to form the restored image on the storage medium. Rather, Yajima teaches away from reconstituting the processed image segments into a restored image after the processed image segments have been saved on the storage medium. Yajima resorts instead to completing all the processing and reconstitution of the image prior to the storage of the processed and reconstituted image on the storage medium. (See col. 21, line 44-49). Thus, it is submitted the combination of Lathrop and Yajima does not teach or suggest the novel features of the invention as claimed, and accordingly this rejection should be withdrawn.

III. Rejection of Claims 5, 7, 14, 16 and 24-27 Under 35 U.S.C. §103(a)

Claims 5, 7, 14, 16 and 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yajima in view of Ise *et al.* (US 5,140,647). Withdrawal of this rejection is requested for at least the following reasons. Claims 5, 7, 14, 16 and 24-27 depend from independent claims 1, 10 and 19, and Ise *et al.* does not cure the aforementioned deficiencies with respect to Yajima. Accordingly, withdrawal of this rejection is respectfully requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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